

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 18759 of 1999

Between:

Ravindra, S/o. Srinivas Gujarathi,
Aged about 22 years, Occupation: Business,
R/o. Dharmabad, District Nanded.

... PETITIONER

AND

1. Asst. Motor Vehicle Inspector,
Regional Transport Authority,
Hyderabad Central, Hyderabad.

2. The Regional Transport Authority, Hyderabad.

3. The Govt. of Andhra Pradesh, rep.by Secretary,
Transport Dept., Secretariat Building, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents by seizing the Tata Sumo bearing No.MH.26.C.4451 of the petitioner vide vehicle check report dated 31.8.1999 is void and illegal and allow the writ petition and pass such other order or orders as this Hon'ble Court deems fit and proper in the above circumstances, in the interest of justice.

For the Petitioner: MR.B.SHANKER

For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following Order:

ORDER:

Petitioner's Vehicle – Tata Sumo bearing No.MH.26.C.4451 was seized as per the violations mentioned in the Check Memo dated 31-08-1999, stating that the vehicle was hired from Nanded to Hyderabad on contract basis at Rs.3 per kilometer to attend the marriage engagement at Bowenpally, plying without permit, plying without fitness certificate, plying without side particulars and plying without P.U.C. Certificate.

While admitting the Writ Petition, this Court directed the release of the vehicle on condition that the petitioner deposits an amount of Rs.10,000/- (Rupees then thousand only) and further undertakes to produce the vehicle as and when required in connection with the enquiry and till the enquiry is completed, he shall not alienate the vehicle.

None appears for the petitioner.

Learned Government Pleader says that he has no instructions about the outcome of the enquiry in the Writ Petition. Having regard to the fact that no instructions are forthcoming regarding the enquiry, the release of the vehicle will be subject to the outcome of the enquiry and the respondents are directed to proceed with the enquiry and if the petitioner is found guilty of the violations alleged, the respondents are at liberty to pass appropriate orders for the alleged violations including confiscation of the amount so deposited.

The Writ Petition is disposed of as directed herein above.
No costs.

(A. GOPAL REDDY, J)

June 28, 2004
MRR

Copy to:

1. Asst. Motor Vehicle Inspector,
Regional Transport Authority,
Hyderabad Central, Hyderabad.
2. The Regional Transport Authority, Hyderabad.
3. The Govt. of Andhra Pradesh, rep.by Secretary,
Transport Dept., Secretariat Building, Hyderabad.
4. Two C.C.s to the G.P. for Transport, High Court Buildings,
Hyderabad (OUT)
5. Two C.D. copies.